

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

DOROTHY SARTOR )  
 ) No. 3-11-0344  
v. )  
 )  
WAL-MART STORES, INC. )

ORDER

By contemporaneously entered order, the parties' initial case management order, submitted after the initial case management conference held on July 28, 2011, has been approved and entered, with one insertion addressed at the initial case management conference. That insertion and other matters addressed at the initial case management conference are as follows:

1. The parties agree that the proper name of the defendant is Wal-Mart Stores East, LP. Therefore, the Clerk is directed to terminate Wal-Mart Stores, Inc. as the defendant in this case and to substitute therefor Wal-Mart Stores East, LP as the sole defendant.

2. The contemporaneously entered order provides that all written discovery, with the exception of requests for admissions and supplement, along with discovery depositions of all fact witnesses, except treating physicians, shall be completed by August 30, 2012. That means that all written discovery shall be served in sufficient time so that responses will be in hand by August 30, 2012.<sup>1</sup>

3. Any discovery motion shall be filed by August 30, 2012.

4. As provided in the contemporaneously entered order, any dispositive motion shall be filed by June 25, 2012. Any response shall be filed within 21 days of the filing of the motion or by July 16, 2012, if the motion is filed on June 25, 2012. Any reply, if necessary, shall be filed within 14 days of the filing of the response or by July 30, 2012, if the response is filed on July 16, 2012.

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<sup>1</sup> The plaintiff served outstanding written discovery in February of 2011, before the case was removed to this Court.

There shall be no stay of discovery before the July 30, 2012, and August 30, 2012, deadlines for completion of fact and expert discovery provided above even if a dispositive motion is filed prior thereto.

A jury trial is scheduled to begin on **Tuesday, October 30, 2012, at 9:00 a.m.**, in Courtroom 764, U.S. Courthouse, 801 Broadway, Nashville, TN. The parties expect that the trial will last two (2) days.

The parties are directed to contact Ms. Jeanne Cox, Courtroom Deputy, by 12:00 noon on Friday, October 26, 2012, if this case has settled. Failure to provide such notification in the event the parties have settled the case may result in assessment of costs against the parties and/or their attorneys, including but not limited to the costs of summoning the jurors.

The pretrial conference is also rescheduled on **Friday, October 19, 2012, at 1:00 p.m.**, in Courtroom 764.

By September 21, 2012, counsel shall advise opposing counsel of those portions of any depositions to be read to the jury or those portions of video depositions to be viewed by the jury, in accord with Local Rule 32.01(b) and Rule 26(a)(3)(A)(ii) of the Federal Rules of Civil Procedure, and shall serve a list of the expected witnesses and exhibits in accord with Rule 26(a)(3)(A)(i) and (iii) of the Federal Rules of Civil Procedure.

By October 1, 2012, the parties shall file any motions in limine, any Daubert motions and/or motions relating to expert testimony, any evidentiary objections to deposition testimony, in accord with Local Rules 32.01(b) and 39.01(d)(1) and Rule 26(a)(3)(B), and any objections to proposed exhibits in accord with Rule 26(a)(3)(B).

Any responses to such motions in limine, any responses to any Daubert motions and/or motions relating to expert testimony, and any responses to objections to deposition testimony and proposed exhibits shall be filed by October 12, 2012.

By October 12, 2012, the parties shall also:

1. Submit a proposed joint pretrial order;<sup>2</sup>
2. File and serve their respective final witness and exhibit lists;
3. File a listing of all agreed stipulations; and
4. File proposed jury instructions, any special interrogatories, and any special

verdict forms.

A deadline for filing pretrial briefs will be established at the pretrial conference, if appropriate.

The parties shall premark all exhibits and comply with Local Rule 39.01(c)(4).

It is so ORDERED.

  
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JULIET GRIFFIN  
United States Magistrate Judge

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<sup>2</sup> The pretrial order shall contain (1) a recitation that the pleadings are amended to conform to the pretrial order and that the pretrial order supplants the pleadings; (2) a short summary of the plaintiff's theory (no more than one page); (3) a short summary of the defendant's theory (no more than one page); (4) the issues to be submitted to the Court and the jury; (5) any anticipated evidentiary issues; and (6) a statement that the parties have complied with the provisions of this order.